

Notice of Allowability

Application No.

09/621,223

Examiner

Jordan M. Schwartz

Applicant(s)

AYOUB, ABBY

Art Unit

2873

-- Th MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment of 2/10/2004.
2. ☒ The allowed claim(s) is/are 1,2,5-7,9-11,15 and 16.
3. ☒ The drawings filed on 21 July 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 2/25/04
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

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Allowed Claims: 1-2, 5-7, 9-11, 15-16.

Examiner's Amendment/Reasons for Allowance

Examiner's Amendment

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Eric L. Sophir on May 12, 2004.

The application has been amended as follows:

1. Cancel claim 8; and
2. Claim 9, line 6, after "heat source" insert --after the application of the colored coating--.

Reasons for Allowance

The following is an examiner's statement of reasons for allowance: none of the prior art either alone or in combination disclose or teach of the claimed combination of limitations to warrant a rejection under 35 USC 102 or 103. Specifically, with respect to independent claim 1, none of the prior art either alone or in combination disclose or teach of the claimed apparatus comprising an optical lens for use in eyeglasses, a colored coating affixed to a portion of only the edge of the lens, the coating effective to reduce the appearance of a white ring along the perimeter of the face of the lens, and specifically including, as the distinguishing feature in combination with the other

limitations, the colored coating as translucent. Specifically, with respect to independent claim 9, none of the prior art either alone or in combination disclose or teach of the claimed method of applying a colored coating to an optical lens, where the colored coating is affixed only to the edge of the lens, the coating to reduce the appearance of a white ring along the perimeter of the face of the lens, and specifically including, as the distinguishing feature in combination with the other limitations, the claimed method step of placing the lens under an ultraviolet heat source after the application of the colored coating.

Information Disclosure Statement

The information disclosure statement filed February 25, 2004 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because some of the "Other Documents" cited fail to provide a date of publication as required by the MPEP and CFR. These specific references have been crossed out and have not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609 ¶ C(1).

Examiner's Comments

As stated above, certain references set forth on the IDS of February 25, 2004 were not considered because their publication dates were not provided in compliance

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with the MPEP and CFR. Furthermore, pursuant to MPEP 2128, with reference to "Printed Publications as Prior Art", "Prior art disclosures on the Internet or on an on-line database are considered to be publicly available as of the date the item was publicly posted. If the publication does not include a publication date (or retrieval date) it cannot be relied upon as prior art under 35 USC 102(a) or (b). Examiner's may ask the Scientific and Technical Information Center to find the earliest date of publication". The cited references "Ad by Aurochim for Aurolens" and "Ad by Stormin'Norman's for Hint of Tint" appeared to be possibly relevant art and the examiner had the STIC EIC 2800 attempt to find dates for these specific references but the STIC 2800 was unable to determine the specific dates for these specific references. Therefore, the crossed out references were not considered because their publication dates were not provided on the IDS in compliance with the MPEP and CFR and regardless, these references could not be used as prior art pursuant to MPEP 2128.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jordan M. Schwartz whose telephone number is (571) 272-2337. The examiner can normally be reached on Monday to Friday (8:00-5:30), alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Y. Epps can be reached at (571) 272-2328. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jordan M. Schwartz
Primary Examiner
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May 12, 2004